

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MAURICE COLLINS,

Plaintiff,

v.

Case No. 16-cv-1151-pp

TODD CALLISTER,
BONNIE HALPER, and
JEFFREY MANLOVE,

Defendants.

**DECISION AND ORDER GRANTING PLAINTIFF'S MOTION
TO USE FUNDS FROM HIS RELEASE ACCOUNT (DKT. NO. 52)**

The plaintiff filed a motion for leave to appeal without prepayment of the filing fee, which the court granted on August 31, 2017. Dkt. Nos. 44, 51. In granting the motion, the court ordered the plaintiff to pay an initial partial filing fee of \$1.46. Dkt. No. 51. The plaintiff has filed a motion asking that he be allowed to pay that fee with funds in his release account. Dkt. No. 52.

The Prison Litigation Reform Act requires the Court to collect filing fees from a “prisoner’s account.” 28 U.S.C. §1915(b). The term “prisoner’s account” encompasses both a prisoner’s release account and general account. Spence v. McCaughtry, 46 F. Supp. 2d 861, 862 (E.D. Wis. 1999). “A release account is a restricted account maintained by the Wisconsin Department of Corrections to be used upon the prisoner’s release from custody upon completion of his sentence.” Wilson v. Anderson, Case No. 14-C-798, 2014 WL 3671878 at *3 (E.D. Wis. July 23, 2014) (citing Wis.Adm.Code § DOC 309.466). Given the

purpose of the release account, federal courts do not deem it prudent to focus on that account as the source of funds to satisfy the filing fee payment requirements. Smith v. Huibregtse, 151 F. Supp. 2d 1040, 1042 (E.D. Wis. 2001). That said, upon request, a court may allow a plaintiff to pay the initial partial filing fee with funds in his release account. Doty v. Doyle, 182 F. Supp. 2d 750, 752 (E.D. Wis. 2002). The court will grant the plaintiff's motion.

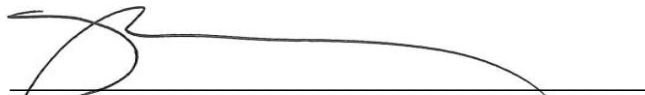
The court **GRANTS** the plaintiff's motion to use funds from his release account to pay the initial partial filing fee for his appeal (dkt. no. 51).

The court **ORDERS** that, upon request from the plaintiff, the agency having custody of the plaintiff shall withdraw \$1.46 from the plaintiff's release account and forward that sum to the Clerk of Court as the plaintiff's initial partial filing fee in his appeal. Such payment is to be made within twenty-one days of this order.

The court will send a copy of this order to the agency having custody of the plaintiff

Dated in Milwaukee, Wisconsin this 14th day of September, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge